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10/802,224	03/16/2004	Woo Seong Yoon	2080-3239	3567
2292	7590	07/14/2008	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				JEAN GILLES, JUDE
ART UNIT		PAPER NUMBER		
2143				
NOTIFICATION DATE			DELIVERY MODE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/802,224	YOON, WOO SEONG	
	<b>Examiner</b>	<b>Art Unit</b>	
	JUDE J. JEAN GILLES	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 March 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/28/2008</u> .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

This Office Action is responsive to the Reply filed on 03/12/2008.

### ***Response to Amendment /Arguments***

1. Applicants' arguments filed 03/12/2008 have been fully considered but they are not persuasive. Claims 1-31 are pending, with claims 1-18 amended and claims 19-31 added by the present amendment. Because it is likely that the arguments will be presented in future correspondence, the Examiner thinks it is prudent to address the main point of contention raised in the Applicants' remarks dated 03/12/2008, page 12, namely that "both Kondo and Ort fail to disclose or suggest "determining whether or not to send the user message to the second interactive disk player depending on said comparison result" as recited in amended claim 1. Similarly, both Kondo and Ort fail to disclose or suggest "both Kondo and Ort fail to disclose or suggest" as recited in amended claim 10. Kondo and Oft fail to disclose or suggest the system and devices recited in new independent claims 19 and 25." The Examiner disagrees with this assertion for the applicants and refers applicants to the teachings of Ort column 2, lines 29-67, continue in column 3, lines 1-28 and the rejections of independent claim 1 below.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must show the amendments avoid such references or objections." The previous rejection under 35 USC § 103 are therefore sustained.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al (Kondo), Patent No. 7,127,736 B2 in view of Ort, U.S. Patent No 5,630,005.

Regarding **claim 1**, Kondo teaches the invention substantially as claimed. Kondo discloses a method of exchanging user messages among interactive disk players (*fig. 1*), comprising the steps of:

receiving a user message from a first interactive disk player and storing the received user message (*fig. 9, steps S81, and S82; column 16, lines 64-67; column 17, lines 1-11; note that the first interactive disk player is client 20-A*);

receiving a message request from a second interactive disk player (*column 17, lines 57-67; column 18, lines 1-5; the second interactive disk player is client 20-B*); and

comparing a playback time included in the message request with a playback time included in the user message (*column 27, lines 32-52; note that the playback time is inclusive to the favorite information of the requester; in column 2, lines 41-44 it is*

*disclosed that the playback time information is part of the information data received and stored at the server, and that the digest information includes the message request data collected from previous users). However, Kondo does not disclose the details of producing a comparison result and determining whether or not to send the user message to the second interactive disk player depending on said comparison result, and specifically comparing the playback times.*

In an analogous art, Ort in an effort to facilitate content distribution/delivery offers this technique of comparing and matching intended playback time information previously stored in a central server with a requested playback time information from a user of an interactive disk player connected to the same server (see *Ort, column 2, lines 57-67, continue in column 3, lines 1-28*). Once the intended playback time (stored response from first DVD) matches the requested playback time (request from second DVD), the location of the stored audio/video data is found on the server, and a response is forwarded to the requester. This method appears to be very useful in classifying user favorite data that can be used in exchanging and classifying messages and information in a dedicated digital playback system.

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Ort's teachings of a system exchanging interactive messages from users with the teachings of Kondo, for the purpose of "...providing a playback system (e.g., a computer system or dedicated computer controlled digital playback system) with the ability to efficiently and effectively locate a requested playback time or frame number within an audio/video file .... and

*further for providing efficient seeking capabilities within audio/video files..." as stated by Ort in lines 17-25 of column 2. By this rationale **claim 1** is rejected.*

Regarding **claims 2-31**, the combination Kondo-Ort teaches:

2. The method set forth in claim 1, wherein the user message includes ~~information for identifying an interactive disk or a title that is being played and information for grouping users~~

Interactive disk identification information or program title information, and user grouping information (see Kondo; see abstract, column 2, lines 24-44; note that the receiver receives from the playback apparatus playback identification information such as title information, enabling the transmitter to categorize and process user message).

3. The method set forth in claim 1, wherein the message request includes ~~identifying an interactive disk or a title that is being played and information for grouping users~~

Interactive disk identification information or program title information, and user grouping information (see Kondo; see abstract, column 3, lines 50-59; the request implicitly contains identification information so the comparison can be made based on the identification data and the digest information can be transmitted to the playback apparatus).

4. The method set forth in claim 2 or claim 3, wherein the user grouping information for grouping users includes information on ~~the an~~ age, the sex, the playback region, and/or

~~the or a~~ language of a user (see Kondo; column 10, lines 3-9; column 10, lines 50-59).

5. The method set forth in claim 1, wherein the step (e) ~~conducts of comparing~~ comprises:

comparing the playback time included in the message request with the playback time in the user message ~~the playback times and sending the user message depending on the comparison result if the stored user message and the message request were created by interactive disk players belonging to the same a common group (see Kondo; column 22, lines 1-14; the user profile information contains the age group of the user as part of the request, which enables the server to compare the request with stored digest information).~~

6. The method set forth in claim 1, wherein the playback time included in the message and the playback time included in the user message each are a time that has elapsed since a start of a playback of an individual interactive disk by a respective one of the interactive disk players (see Kondo; column 2, lines 45-53; the statistical processor accumulates the playback times of the playback portion according to the title information based on the operation data of a plurality of users; the operation data includes start time and elapsed time of the interactive disk playback; furthermore, it is well known to an ordinary skill in the art that a playback time is defined as being the time elapsed since the start time of the playback of an interactive disk).

7. The method set forth in claim 1, wherein the step of determining comprises:  
determining to send user message if the playback time included in the message request approaches the playback time included in the stored user message within a predetermined bound (see *Ort, column 2, lines 57-67, continue in column 3, lines 1-28; adjusting the approximate location based on the intended playback time to find the requested playback time is within a predetermined bound*). The same motivation and reason to combine used for the rejection of claim 1 is also valid for this claim.

8. The method set forth in claim 1, wherein the step comparing the playback time included in the message request with the playback time included in the user message (see *Ort, column 2, lines 57-67, continue in column 3, lines 1-28*) if the user message is intended for requesting a response from other arbitrary users (see *Kondo; column 2, lines 45-53*). The same motivation and reason to combine used for the rejection of claim 1 is also valid for this claim.

9. The method set forth in claim 8, wherein the step (c) sending the user message to the second interactive disk player immediately without comparing the playback times included in the message request and the stored user message if the stored message is not intended for requesting a response from other arbitrary users (see *Kondo; column 2, lines 45-53; column 5, lines 47-67; here, no comparison of playback times is included in the message, and the digest information is generated based on the sorting result of the scenes designated by the time-space position data of the requesting user. Those*

*scenes are mostly from arbitrary users of the system).*

10. A method of exchanging user messages among interactive disk players, conducted by an interactive disk player (see *Kondo*; fig. 1), comprising the steps of:

receiving from the external server a user message that was to the external server sent from a different interactive disk player (see *Kondo*; fig. 1, *content playback DVD player 20*) and received by and stored in an external server (see *Kondo*; fig. 1, *external server 30*) see *Kondo*; fig. 9, steps S81, and S82; column 16, lines 64-67); and

comparing a playback time included in the stored user message with the time that has elapsed since the start of the step of playing to produce a comparison result(see *Kondo*; column 27, lines 32-42; *the DVD Player 20 is used to display the resulting message from the server*) and outputting the stored user message for displaying the message depending on the comparison result (see *Ort*, column 2, lines 57-67, continue in column 3, lines 1-28; note that defining the playback time as being *the time that has elapsed since the start of the playback of the interactive disk is well known to an ordinary skill in the art*). The same motivation and reason to combine used for the rejection of claim 1 is also valid for this claim.

11. The method set forth in claim 10, wherein the message request includes interactive disk identification or program title information, and user grouping information. ~~for identifying an interactive disk or a title that is being played and information for grouping users~~ (see *Kondo*; see abstract, column 3, lines 50-59; *the request implicitly contains*

*identification information so the comparison can be made based on the identification data and the digest information can be transmitted to the playback apparatus).*

12. The method set forth in claim 11, wherein the user grouping information includes information on the age, a sex, a playback region, and/or a language of a user (see *Kondo; column 10, lines 3-9; column 10, lines 50-59*).

13. The method set forth in claim 10, wherein the playback time is the time that has elapsed since the start of the playback of an interactive disk by the different interactive disk player (see *Kondo; column 2, lines 45-53; the statistical processor accumulates the playback times of the playback portion according to the title information based on the operation data of a plurality of users; the operation data includes start time and elapsed time of the interactive disk playback; furthermore, it is well known to an ordinary skill in the art that a playback time is defined as being the time elapsed since the start time of the playback of an interactive disk*).

14. The method set forth in claim 10, wherein the step of determining comprises determining to display the stored user message if a time that has elapsed since the start of a playback by interactive disk player approaches the playback time included in the user message within a predetermined bound (see *Ort, column 2, lines 57-67, continue in column 3, lines 1-28; adjusting the approximate location based on the intended playback time to find the requested playback time is within a predetermined*

*bound).* The same motivation and reason to combine used for the rejection of claim 1 is also valid for this claim.

15. The method set forth in claim 10, wherein the step comparing comprises:

s comparing the playback time and the elapsed time if the user message is intended for requesting a response from other arbitrary users (see *Ort, column 2, lines 57-67, continue in column 3, lines 1-28*) if the stored message is intended for requesting a response from other arbitrary users (see *Kondo; column 2, lines 45-53*). The same motivation and reason to combine used for the rejection of claim 1 is also valid for this claim.

16. The method set forth in claim 15, further comprising:

displaying user message immediately without comparing the playback time and the elapsed time if the user message is not intended for requesting a response from other arbitrary users (see *Kondo; column 2, lines 45-53; column 5, lines 47-67; here, no comparison of playback times is included in the message, and the digest information is generated based on the sorting result of the scenes designated by the time-space position data of the requesting user. Those scenes are mostly from arbitrary users of the system*).

17. The method set forth in claim 10, further comprising the step of:

after the user message is displayed, sending a message inputted by a user along with the displayed user message to the external server (see *Kondo; column 18, lines 25-31; the display user message here is the specified scene that the client wants to view that is sent with the message request to the external server*).

18. The method set forth in claim 17, wherein the inputted and sent message each comprises a message type that does not include a request a response (see *Kondo; column 18, lines 25-40; generating and providing an optimal digest scene does not request a response from an arbitrary user, but requesting expected information from specific users, thus enabling the requesting user to subsequently follow the event*).

19. (New) A system for exchanging user messages among interactive disk players, comprising:

a first interactive disk player (see *Kondo; 20 A-B; 120 A-B*);  
a second interactive disk player (see *Kondo; 20 A-B; 120 A-B*); and  
an external server connected to the two interactive disk players by a network, the external server configured to receive a user message from the first interactive disk player and send the user message to the second interactive disk player (see *Kondo; 30 and 40, 130 and 140*),

wherein the external server is configured, to receive a message request from the second wherein the external server is configured, to receive a message request from

the second interactive disk player (see *Kondo*; *fig. 9, steps S81, and S82; column 16, lines 64-67; column 17, lines 1-11; column 17, lines 57-67; column 18, lines 1-5; the second interactive disk player is client 20-B*), to compare a playback time included in the message request with a playback time included in the user message to produce a comparison result, and to determine whether or not to send the user message to the second interactive disk player depending on the comparison result (see *Ort, column 2, lines 57-67, continue in column 3, lines 1-28; note that defining the playback time as being the time that has elapsed since the start of the playback of the interactive disk is well known to an ordinary skill in the art*). The same motivation and reason to combine used for the rejection of claim 1 is also valid for this claim.

20. (New) The system set forth in claim 19, wherein the user message and the message request each include

interactive disk identification information or program title information, and user grouping information (see *Kondo; see abstract, column 2, lines 24-44; note that the receiver receives from the playback apparatus playback identification information such as title information, enabling the transmitter to categorize and process user message*).

21. (New) The system set forth in claim 20, wherein the user grouping information includes information on an age, a sex, a playback region, or a language of a user (see *Kondo; column 10, lines 3-9; column 10, lines 50-59*).

22. (New) The system set forth in claim 20, wherein the external server is configured to determine whether the first and second interactive disk players belong to a common group based on the user grouping information (see *Kondo; column 22, lines 1-14; the user profile information contains the age group of the user as part of the request, which enables the server to compare the request with stored digest information*).
23. (New) The system set forth in claim 19, wherein the external server is configured to send the user message if the playback time included in the message request approaches the playback time included in the user message within a predetermined bound (see *Ort, column 2, lines 57-67, continue in column 3, lines 1-28; adjusting the approximate location based on the intended playback time to find the requested playback time is within a predetermined bound*).
24. (New) The system set forth in claim 19, wherein the external server is configured to compare the playback time included in the message request with the playback time included in the user message if the user message is intended for requesting a response from other interactive disk players (see *Kondo; column 2, lines 45-53*).
25. (New) An interactive disk player for exchanging user message with another interactive disk player, said interactive disk player being configured to send a message request to an external server and to receive a user message from the external server, the user message being sent from another interactive disc player via the external server (see *Kondo; fig. 9, steps S81, and S82; column 16, lines 64-67; column 17, lines 1-11*;

*column 17, lines 57-67; column 18, lines 1-5; the second interactive disk player is client 20-B),*

wherein said interactive disk player is configured to compare a playback time included in the user message with a time that has elapsed since a start of playback of an interactive disk, and to determine whether or not to display the user message based on said comparison (see *Ort, column 2, lines 57-67, continue in column 3, lines 1-28; note that defining the playback time as being the time that has elapsed since the start of the playback of the interactive disk is well known to an ordinary skill in the art*). The same motivation and reason to combine used for the rejection of claim 1 is also valid for this claim.

26. (New) The player set forth in claim 25, wherein the user message and the message request each include

interactive disk identification information or program title information, and user grouping information (see *Kondo; see abstract, column 3, lines 50-59; the request implicitly contains identification information so the comparison can be made based on the identification data and the digest information can be transmitted to the playback apparatus*).

27. (New) The player set forth in claim 25, wherein said interactive disk player is configured to output the user message to a display if a time that has elapsed since a start of a playback by the interactive disk player approaches the playback time included

in the user message within a predetermined window (see *Ort, column 2, lines 57-67, continue in column 3, lines 1-28; adjusting the approximate location based on the intended playback time to find the requested playback time is within a predetermined bound*).

28. (New) The player set forth in claim 25, wherein said interactive disk player is configured to compare the playback time and the elapsed time if the user message is intended for requesting a response from another interactive disk player (see *Kondo; column 2, lines 45-53*).

29. (New) The player set forth in claim 25, wherein said interactive disk player is configured to display the user message immediately without comparing the playback time and the elapsed time if the user message is not intended for requesting a response from another interactive disk players (see *Kondo; column 2, lines 45-53*).

30. (New) The player set forth in claim 25, wherein said interactive disk player is configured, after displaying the user message, to send a message inputted by a user along with the displayed user message to the external server (see *Kondo; fig. 1, content playback DVD player 20*) and received by and stored in an external server (see *Kondo; fig. 1, external server 30*).

31. (New) The player set forth in claim 30, wherein the inputted and sent message is of a type that does not request a response from another interactive disk player (see *Kondo; column 2, lines 45-53*).

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914.

The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

/Jude J Jean-Gilles/

Primary Examiner, Art Unit 2143

JJG

June 22, 2008

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2154

/Nathan J. Flynn/

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